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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,755	03/30/2005	Emmanuel Miette	Q86678	1578

23373 7590 04/15/2008  
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EXAMINER
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EPSTEIN, BRIAN M

ART UNIT	PAPER NUMBER
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4176

MAIL DATE	DELIVERY MODE
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04/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,755	<b>Applicant(s)</b> MIETTE, EMMANUEL	
	<b>Examiner</b> BRIAN EPSTEIN	<b>Art Unit</b> 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050330</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), based on an application filed in France on December 24, 2003. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

2. The information disclosure statement filed March 30, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities: The specification does not contain appropriate titles for the separate sections of the disclosure.

Appropriate correction is required.

#### ***Claim Objections***

5. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 is written in independent format but appears to claim

further limitation to claim 6 as if to be a dependent claim. The examiner, for the purposes of prior art searching, assumes claim 11 to mean a postal sorting machine for processing mail items.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to disclose how the numerical costs for destination error are determined when determining the delivery extra cost associated with processing the item if it is delivered in error to a wrong delivery office and/or to a wrong round and/or to a wrong delivery point.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4-6, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gozzo et al., U.S. Pat. No. 6,269,171.

10. As per claims 1, 6, and 11, Gozzo et al. teach a method, system, and apparatus of processing postal items in which an image is formed of each item, the image including address information (Column 1, lines 14-25), and on the basis of the image of the item and a reference address base (Column 1, lines 57-60), OCR is used to perform automatic recognition of the destination address information (Abs., lines 12-16 and Column 1, lines 14-25), the method being characterized in that during automatic recognition of destination address information, use is made of a database in which there are organized ordered lists of delivery points for delivery rounds in such a manner as to take account of an estimated extra cost for destination error associated with processing the item should the item be delivered to an erroneous delivery point (Abs. lines 14-25). It is inherent in Gozzo, "Based on cost models which indicate the cost of making various types of errors in the OCR process, a decision threshold is determined which is based on the real-time statistics of the mail system," (Abs. lines 14-25) that account is taken of estimated extra cost for destination error.

11. As per claims 4 and 9, Gozzo teaches the method and system of claims 1 and 6 as described above. Gozzo further teaches taking account of the extra cost of destination error comprises grouping together a set of destination address solutions for the item, in identifying delivery points corresponding respectively to said solutions, in identifying delivery rounds corresponding respectively to said delivery points, and in identifying delivery offices corresponding respectively to said delivery rounds, and on the basis of the delivery points, the

delivery rounds, and the delivery offices as identified in this way, in searching amongst the destination address solutions, for that solution which minimizes the extra cost of destination error associated with processing the item in the event of it being delivered by a wrong delivery office, and/or in a wrong delivery round, and/or to a wrong delivery point (Abs. lines 14-25). It is inherent in Gozzo, "Based on cost models which indicate the cost of making various types of errors in the OCR process, a decision threshold is determine which is based on the real-time statistics of the mail system," (Abs. lines 14-25), that destination error cost is identified for the delivery points, delivery rounds and delivery offices; and searching for the destination solution which minimizes the cost of destination error.

12. As per claims 5 and 10, Gozzo teaches the method and system of claims 4 and 9 as described above. Gozzo further teaches a first item of numerical information (C.sub.1) is defined representative of an extra cost for destination error associated with processing an item if it is delivered by an erroneous delivery office, a second item of numerical information (C.sub.2) is defined representative of an extra cost of destination error associated with processing an item if it is delivered in an erroneous delivery round, and a third item of numerical information (C.sub.3) is defined representative of an extra cost of destination error associated with processing an item if it is delivered to an erroneous delivery point, and in which in order to seek the solution that minimizes the extra cost of destination error, a comparison is made for each current solution for the destination address between the delivery office and/or the delivery round, and/or the delivery point identified for said solution with the delivery office, the delivery round, and the delivery point identified for each of the other destination address solutions so as to obtain for

said current destination address solution an accumulated value of extra costs of destination error calculated on the basis of said first, second, and third items of numerical information (Abs. lines 14-25). It is inherent in Gozzo, "Based on cost models which indicate the cost of making various types of errors in the OCR process, a decision threshold is determined which is based on the real-time statistics of the mail system," (Abs. lines 14-25), that numerical information representing the extra costs for C.sub.1, C.sub.2, and C.sub.3 are recorded; and comparing each item of numerical information for the destination address to determine the accumulated value of extra costs on the basis of the three items of numerical information.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2-3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gozzo et al., in view of Ross et al., U.S. Pat. Pub. No. 2004/0065598.

15. As per claims 2 and 7, Gozzo et al. teach a method, system, and apparatus of processing postal items, as applied above in the rejection of claims 1 and 6 under 35 U.S.C. 102(b), and Gozzo et al. further teach grouping together a set of destination address solutions for the item and identifying delivery points corresponding respectively to said solutions (Column 1, lines 17-24, these steps being inherent in the OCR automatic mail processing system and method



disclosed in Gozzo), but Gozzo does not teach, looking to see whether the identified delivery points form part of a single delivery round.

16. However; Ross et al. teach a similar method, system, and apparatus of processing postal items, which indeed includes looking to see whether the identified delivery points form part of a single delivery round (see, for example, paragraph 0008, lines 7-12, where 5 and 7 digit zip codes represent delivery points and delivery rounds respectively, that functionality being inherent in Ross in the “depth of sort,” (paragraph 0008, line 9), in that grouping of destination address solutions by delivery points and delivery rounds occurs).

17. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have incorporated the grouping of destination address solutions by single delivery rounds, in accordance with the teachings of Ross et al., in order to allow for the most efficient delivery of the mail, since so doing could have been performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

18. As per claims 3 and 8, Gozzo in view of Ross teaches the method and system of claims 2 and 7 as described above. Ross further teaches, in the event of the identified delivery points all form part of a single delivery round, determining a volume of mail in the delivery range corresponding to the delivery points identified for said delivery round (Paragraph 0008 and Paragraph 0010, lines 11-15). It is inherent in Ross to determine volume of mail for a delivery round, because all mail sorting systems determine mail volumes when sorting. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to have incorporated determining volume of mail corresponding to delivery points for a delivery round,

in accordance with the teachings of Ross, in order to efficiently schedule the resources required to effect delivery of the mail, since so doing could have been performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN EPSTEIN whose telephone number is (571)270-5389. The examiner can normally be reached on Monday to Thursday 7:30am - 5:00pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. E./  
Examiner, Art Unit 4176  
April 7, 2008

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 4176